

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 20th day of January, 2011 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor
Vickie Abrego, Mayor Pro Tempore
Ross McElwee Council Member
Jay Attaway Council Member
Phillip Hyatt Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Allen Lawrence City Attorney
Reggie Winters, City Manager
Yvonne Stonebraker City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT:

OTHERS PRESENT: Sandy Kubek, Jim Mills, Paul & JoAnn Biek, Sheila Denny, Aransas County Commissioner Jack Chaney, H.E. & Joyce Naumann, Alton Briggs, Jane Doss, Judy Vlasek, Ed & Ellie Block, Dorothy McAfee, Jessie & Linda Galvan, Patricia Carabajal, Randy & Jeanne Hunter, John Moore, Linda Collins and Rose Williams.

There may have been others present who did not sign in.

1. **CALL MEETING TO ORDER.**

Mayor Knight called the meeting to order at 7:00 P.M. on January 20, 2011.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Mayor Pro Tem Abrego gave the invocation. Mayor Knight led the pledge of Allegiance to the United States Flag.

3. **CONSIDER AND ACT ON APPROVING THE MINUTES OF JANUARY 3, 2011.**

Council Member Attaway made a motion to approve the minutes of January 3, 2011. Council Member Hyatt seconded the motion and the motion carried unanimously.

4. **LETTERS OF COMMENDATION PRESENTED BY MAYOR TOMMY KNIGHT.**

Mayor Knight presented Letters of Commendation to Aransas Pass citizen Ms. Linda Galvan and Aransas Pass Police Officer Aaron Jones for their valiant actions on saving the life of an eleven month old child.

5. **CONSIDER AND ACT ON ORDINANCE NO. 2011-3988 – AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS GRANTING A CONDITIONAL USE PERMIT TO JUSTIN AND SHARLA BROOKS TO OPERATE A BAR AT 1152 S. COMMERCIAL ST. BEING LOTS 39-42, BLOCK 7, FRICKS ADDITION, ARANSAS PASS, TEXAS, SUBJECT TO CONDITIONS SET FORTH.**

Council Member Attaway made a motion to approve Ordinance No. 2011-3988 – An Ordinance of the City of Aransas Pass, Texas granting a Conditional Use Permit to Justin and Sharla Brooks to operate a bar at 1152 S. Commercial St., being Lots 39-42, Block 7, Fricks Addition,

Aransas Pass, Texas, subject to conditions set forth. Council Member McElwee seconded the motion and the motion carried unanimously.

6. **CONSIDER AND ACT ON ORDINANCE NO. 2011-3989 – AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 18 BY ADDING ARTICLE V, ILLEGAL SMOKING PRODUCTS, TO PROHIBIT THE USE, PURCHASE, POSSESSION, AND SALE OF THE SYNTHETIC CANNABINOID KNOWN OR SOLD UNDER SUCH NAMES AS “SPICE”, “GENIE”, “DaSCENTS”, “ZOHAI”, “SAGE”, K-2, AND KO KNOCK-OUT 2, FOR PUBLIC HEALTH PURPOSES; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (2,000); AND PROVIDING FOR AN EFFECTIVE DATE.**

School Resource Officer Euligio De La Rosa stated he had spoken to several school children who were open and honest with him and admitted to smoking the synthetic cannabinoid. He stated the effect of smoking the synthetic cannabinoid was ten to one hundred times stronger than marijuana. He stated the City of Kingsville passed an ordinance where it was illegal to sell this product to anyone under the age of 18. He stated the City of Alice passed an ordinance where it could not be sold to anyone within the city limits of Alice.

Council Member McElwee stated Ordinance No. 2011-3989 would make it illegal to purchase, possess or sale the synthetic cannabinoid within the city limits of the City of Aransas Pass.

Council Member Attaway made a motion to approve Ordinance No. 2011-3989 – An Ordinance of the City of Aransas Pass, Texas, amending the Code of Ordinances by amending Chapter 18 by adding Article V, Illegal Smoking Products, to prohibit the use, purchase, possession, and sale of the synthetic cannabinoid known or sold under such names as “Spice”, “Genie”, “DaScents”, “Zohai”, “Sage”, K-2, and KO Knock-Out 2, for public health purposes; providing a repealing clause; providing a savings clause; providing a severability clause; providing for penalty of fine not to exceed two thousand dollars (2,000); and providing for an effective date. Council Member Hyatt seconded the motion and the motion carried unanimously.

7. **CONSIDER AND ACT ON ORDINANCE NO. 2011-3990 – AN ORDINANCE AMENDING SECTIONS 14-29 AND 14-30 OF THE CODE OF ORDINANCES OF THE CITY OF ARANSAS PASS, TEXAS; PROVIDING A REPEALER CLAUSE; AND, PROVIDING FOR AN EFFECTIVE DATE.**

City Manager Reggie Winters stated this ordinance pertained to the City removing rubbish, trash and debris piles for citizens and adding the charges to their utility bill. He stated the City would give the citizens a seven day notice to remove rubbish, trash and debris from their yards. After the seven days, if the rubbish, trash or debris had not been removed, the City would come and remove it and put the charges on the citizen’s utility bill. If the utility bill was not paid in a timely manner and the utility was shut off, the citizen would have to pay the utility bill plus a reconnect fee before the utility was turned back on.

Council Member McElwee made a motion to approve Ordinance No. 2011-3990 – an Ordinance amending Sections 14-29 and 14-30 of the Code of Ordinances of the City of Aransas Pass, Texas; providing a repealer clause; and, providing for an effective date. Council Member Attaway seconded the motion and the motion carried unanimously.

8. **CONSIDER AND ACT ON REQUEST OF ROBERT COHEN TO LEASE LOT 75, BLOCK R ON CONN BROWN HARBOR.**

No action taken.

9. **UPDATE ON WARRANT ROUND-UP.**

City Manager Reggie Winters stated the warrant round-up hadn’t gone as planned, so he cancelled the warrant round-up about three weeks ago. He stated he was thinking of other solutions to get citizens to pay for their warrants. He stated on Wednesday, January 26, 2011, he had a meeting scheduled with Linebarger, Goggan and Blair, the City’s tax attorneys, to discuss other options.

10. **CONSIDER AND ACT ON CALLING TWO PUBLIC HEARINGS ON PROPOSED ANNEXATION.**

Council Member McElwee made a motion to approve Wednesday, February 9 and Wednesday February 23, 2011 as the two Public Hearings on proposed annexation. Council Member Attaway seconded the motion and the motion carried unanimously.

11. **CONSIDER AND ACT ON AUTHORIZING TWO BUDGET AMENDMENT REQUESTS FROM THE ARANSAS PASS CRIME CONTROL AND PREVENTION DISTRICT REGARDING POLICE PATROL VEHICLES AND EQUIPMENT PURCHASES.**

Aransas Pass Crime Control and Prevention District President Jim Mills presented two budget amendments concerning the police patrol vehicles and equipment purchases.

Council Member Attaway made a motion to approve two budget amendment requests from the Aransas Pass Crime Control and Prevention District for \$6,463.96 regarding police patrol vehicles and equipment purchases. Council Member Hyatt seconded the motion and the motion carried unanimously.

12. **REVIEW AND DISCUSS BUDGET REPORTS.**

City Manager Reggie Winters presented the budget reports. He stated sales tax was up by \$6,649 and Department Heads were within budget spending.

13. **CITIZENS COMMENTS.**

Ms. Jeanne Hunter asked the Council if there would be a service plan available for viewing 10 days before the first Public Hearing.

City Attorney Allen Lawrence stated that was a question for the City's engineers.

Mr. Sandy Kubek stated there were several incidents that had occurred in his neighborhood a couple of weeks ago. He stated he had called the police dispatchers and police had arrived within two minutes of his call. He stated he would like to commend the Aransas Pass Police Department for their quick response to his phone call.

14. **RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF THE TEXAS GOVERNMENT CODE.**

Recessed into Executive Session at 7:24 P.M.

A. SECTION 551.072 – DELIBERATIONS REGARDING REAL PROPERTY.

15. **RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.**

Reconvened into Regular Meeting at 8:47 P.M.

A. SECTION 551.072 – DELIBERATIONS REGARDING REAL PROPERTY.

No action taken.

16. **ADJOURNMENT OF MEETING.**

Mayor Knight adjourned the meeting at 8:47 P.M.

Tommy Knight, Mayor

ATTEST:

Yvonne Stonebraker, City Secretary